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File No. Dentists II
51(R)
Legal Dept-
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Subject:— Rules under the Dentists Act 1948

File No. Dentists II/51(R)

Gen. 194 a.

257-B

Legal Department.

The amendments proposed in draft rules 8(11) and 8(15) are in order.

2. As regards the amendment to rule 8(9), the proposal is to insert the words "or bearing a facsimile of his signature in print" after the words "Returning Officer". The courts have held that "signed" included "stamped with the name of the person referred to." (Queen Empress vs. Jatindar Prasad, I.L.R. 8All. 293 and Vimalchandra Bandopadya vs. Asaratmoni Debya 1898 I.L.R. 25 Cal. page 91). There is, however, no objection to inserting the words "or bearing a facsimile stamp" after the words "Returning Officer" in rule 8(9).

3. Draft rule 8(15): The said sub-rule (15) may be revised as follows:-

"(15) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given, to be elected and shall forthwith inform the successful candidate by letter of his being elected on the Council. Every candidate who is elected shall within such period as may be specified by the Returning Officer in the letter signify to the Returning Officer his acceptance of a seat on the Council. If no such intimation is received by the Returning Officer within the said period, the candidate shall be deemed to have accepted a seat on the Council. If candidate has intimated to the Returning Officer that he does not accept a seat on the Council, then one of the remaining candidates to whom the next largest number of votes have been given shall be declared to have been elected in the manner prescribed above in the place of the candidate first elected and the same procedure shall be followed if further vacancies are caused by the refusal of the candidate to accept a seat on the Council."

It will be seen from the revised draft that the reference to withdrawal has been omitted for the following reasons:-

Under rule 8(11) a candidate is given an opportunity to withdraw his candidature before the date as specified under the rules. If no such withdrawal takes place before the date appointed the election will be held and the only contingency that will arise after the election is for a candidate not to accept a seat on the Council. There is no question of withdrawal after thedate fixed for the withdrawal is over.

4. Rule 8(20): It is proposed by L.S.G.& P.H.D. that instead of the Registrar , the Registrar of the Dentist's Registration Tribunal shall be the person to carry out the first elections. The sub-rule 8(2) may be recased as follows, namely:-

"(20) The first elections to the Council shall be held by the Registrar of the Dentist's Registration Tribunal; and for the said purposes he shall exercise the powers and perform the duties conferred or imposed on the Council and the President and Vice-President by these rule and the preceding rule."

5. Draft rule 78: The Deputy Secretary, L.S.G. & P.H.D. proposes the substitution of rule 78 on the lines of rule 81. The amendments, however, suggested by him that "the Registrar shall at end office for such time as the State Government officers are required to attend office" would not be proper. There is no specific time laid down for the state Government Officers to attend office. Subject to these observations, the proposal of the Deputy Secretary L.S.G . & P.H.D. is in order.

Additional Secretary to Government

U. R. to L.S.G. & P.H.D. No. 2260 dated 6th February 1961.

SSM /20/6/56.

Office of the R.L.A.

It is not legally necessary to publish the Rules in any of the regional languages.

Joint Secretary of Legal Affairs.

U.R. to L.A.(A) U.O. No. 37 , dt. the June 25, 1956.

SSM / 20/6/56.